

Introduction

When is an NWWRF Required?

MALPP Easement – What rights does the property owner relinquish?

A Market Based View

Use by the property owner or it's employees

NWWRF - When Mulch is Brought to Market

Agricultural Preservation Properties

Small Scale Mulch Facilities

Large Scale Mulch Facilities

Facility Related Requirements

Air

Noise

Water

Fire

Road and Bridge

Hearing Examiner Review Requirements

Maryland Permits and Approvals

Applicants History of Compliance

Recommendation	Issue it Resolves	Status
<p>Define Natural Wood Waste Facilities as those facilities requiring an NWWRF permit from MDE or facilities conducting similar operations.</p> <p>Thus, when agricultural properties recycle wood waste for their own use, no NWWRF permit is required.</p> <p>No quantitative restrictions apply for conditional use approval when recycled wood waste is used on premises or by it's employees.</p> <p>Though additional requirements as currently exist may still apply for conditional use.</p>	<p>Reference: http://www.mde.state.md.us/programs/Permits/Documents/2008permitguide/WAS/2.04.pdf</p> <p>This document indicates that the key differentiator is whether the facility markets recycled wood waste, sic, "A natural wood waste recycling facility DOES NOT include a collection or processing facility operated by a nonprofit or government organization located in the state, or single individual or business that provides recycling services solely for it's employees or for it's own recyclable materials generated on its own premises."</p>	

Recommendation		Issue it Resolves	Status
<p>Ag Pres properties should be eligible for a wood waste recycling exception as long as the fundamental business of farming is maintained.</p> <p>a. More than 50% of waste material must originate on the Preservation Property during each year of operation. [MALPP]</p> <p>b. Wholesale/retail sale of recycled material shall not exceed the annual revenue generated by the farming activity.</p> <p>[The highest revenue of the farming activity's last 5 years may be used.]</p>		<p>Reference MALPP Fact Sheet 1</p> <p>“You voluntarily sell your right in perpetuity to develop your farm for residential, commercial or industrial use.”</p> <p>Some exceptions have been made, e.g., barber shops, kennels, etc..</p> <p>The underlying assumption is that “the exception” will not fundamentally change the use of the property from farming to “the exception”</p>	
NWWRF that market less than 2,000 tons per year may obtain CU approval on RC, M1 and M2 zoned properties.		<p>Large scale operations present health, safety, fire risks to residential areas. These operations should be restricted to M1 or M2 zoned areas.</p> <p>More than half of all NWWRFs in the state of Maryland market less than 2,000 tons per year.</p> <p>There has been no significant growth of marketed recycled wood waste in the last 3 years.</p>	
NWWRF that market more than 2,000 tons per year shall be restricted to M1 or M2 properties.			

Recommendation		Issue it Resolves	Status
	Require that the out feed of a grinding operation be misted with water to reduce dispersal of wood dust and fungal spores.	<p>NWWRFs by their very nature may produce large quantities of wood dust and/or fungal spores that can be dispersed at considerable distances.</p> <p>Especially important for large scale industrial operations, i.e., those designated for M1/M2 zoned properties.</p>	
	Require that the elevation of the mulching operation not exceed the elevation of the topography in an easterly direction [prevailing winds] by more than 50 ft. Preferably the facility should be at or below the downwind elevation.		
	Setbacks in an easterly direction [prevailing winds] should be increased from 500 ft. to TBD ft.		
	Establish an air quality base by testing prior to beginning mulch manufacturing operations. [Need to develop metrics, e.g., wood dust, fungal spores, etc.]		
	Howard County may impose a more stringent requirement than the State of Maryland. The recommended level is 55 dBA.	NWWRFs simultaneously use multiple heavy equipment each producing a significant amount of noise. MDE has an established acceptable noise level at 65 dBA. However, international organizations such as WHO and US organizations, such as CNEL, have established noise levels of 50-55 dBA as more appropriate.	
	Larges Scale operations shall utilize a closed system to collect run-off if not in an area with public water and sewer.	Large scale industrial operations that may operate in areas without public water and sewer run a risk of contaminating the water supply. Not that the residential areas surrounding Alpha Ridge were provided public water and sewer are a precautionary measure.	

Recommendation		Issue it Resolves	Status
	Mulch piles shall be restricted to either asphalt or concrete pads.		
	Establish that a public municipal fire hydrant of 1,000 gpm at 20 psi capacity must be within 1,000 feet of mulch storage piles that exceed an aggregate volume of 50,000 c.f. or more.	Water supply that is nearby, reliable and continuous is needed to prevent small fires from growing into major fires that threaten neighborhoods and diminish community fire department resources.	
	Establish that paved all-weather road access must be provided to the mulch operation site, with adequate grades and turning radii for fire apparatus. Establish that mulch operations with an aggregate volume of 50,000 c.f. or more must be served by a fire station within 3 road miles of the site.	Reliable, quick access for fire apparatus is needed for firefighting.	

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<p>Ascertain that a complete transportation study is mandated, including road construction adequacy, paving adequacy, road widths, turning radii, lines of sight requirements, acceleration/deceleration lanes, shoulders, bridges, etc.</p>	<p>CB20-2014 used language that might be interpreted to only require evaluation of the road ability to support trucks.</p> <p>Previous to CB-20, requirements read, “The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the facility. The petition <u>shall include a study of affected road and bridge conditions</u> to allow the Hearing Authority to make this determination.”</p> <p>After CB20 passage, requirements read,</p>	
<p>Truck traffic should be limited to designated Major Collector roads, or larger, only. No heavy truck traffic from industrial mulch manufacturing facilities may be routed through small rural ‘collector’ roads and residential communities.</p>	<p>“The structural elements of the roads serving the site shall be adequate for the truck traffic to be generated by the composting facility. The petition <u>shall include a road condition study</u> to allow the Hearing Authority to make this determination.”</p> <p>Heavy truck road traffic associated with large scale mulch operations must have adequate road access and construction that can withstand the truck weights and truck frequency and not pose a safety hazard to rural residential communities having narrow roads and no shoulders.</p>	
<p>Require as a condition of approval that the applicant must provide proof to the DPZ that all required Maryland State approvals and permits have been obtained prior to scheduling a conditional use hearing.</p>	<p>Communication between entities in State and County government organizations is poor to non-existent for permits and approvals. Some contractors are known to use an approval in one entity to justify implicit approval in another.</p>	

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	The hearing examiner shall consider the applicants record in compliance with Howard County and Maryland laws and regulations. This may also include any prior violations that may have occurred in Corporations that are or were owned or co-owned by the applicant.	Some operators may have a record of repeatedly ignoring state and county regulations. The hearing examiner is currently prohibited in taking repeated past offenses into considerations.	